

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

MARISOL RODRÍGUEZ-DÍAZ, et al.,

Plaintiffs,

Civil No. 08-1886 (JAF)

V.

SEGUROS TRIPLE-S, INC. and
JAVIER J. RODRÍGUEZ-BECERRA,

Defendants.

O R D E R

Plaintiffs, Marisol Rodríguez-Díaz and José Rafael Ferreras-Durán, timely move under Federal Rule of Civil Procedure 59(e) for reconsideration of our Opinion and Order dated September 22, 2009 (Docket No. 28), which granted Defendants' motion for summary judgment (Docket No. 16). (Docket No. 29.)

Pursuant to Federal Rule of Civil Procedure 59(e), we entertain motions for reconsideration to (1) correct manifest errors of law or fact; (2) consider newly-discovered evidence; (3) incorporate an intervening change in the law; or (4) otherwise prevent manifest injustice. See Marie v. Allied Home Mortgage Corp., 402 F.3d 1, 7 n.2 (1st Cir. 2005) (citing 11 Charles Allen Wright, Arthur R. Miller & Mary Kay Kane, Federal Practice and Procedure § 2810.1 (2d ed. 1995)).

Civil No. 08-1886 (JAF)

-2-

1 Plaintiffs have made no showing, nor do we find, that any such
2 circumstances are present here. Plaintiffs merely reassert arguments
3 from their response to Defendants' motion for summary judgment
4 (Docket No. 21), none of which negate the basis for our prior
5 decision, that they were required to adduce expert testimony and
6 failed to do so (see Docket No. 28 At 6-7). (Docket No. 29.) We note
7 for the sake of clarity that said failure was the dispositive
8 finding in our original decision (Docket No. 28); their argument
9 that Defendant Javier J. Rodriguez-Becerra actually did not conduct
10 differential diagnosis is irrelevant to both our original decision
11 and this order. In sum, we find no basis under Rule 59(e) on which
12 to reconsider our original opinion.

13 We hereby **DENY** Plaintiffs' motion for reconsideration (Docket
14 No. 29).

15 **IT IS SO ORDERED.**

16 San Juan, Puerto Rico, this 13th day of October, 2009.

17 s/José Antonio Fusté
18 JOSE ANTONIO FUSTE
19 Chief U.S. District Judge